

**MONDAY, MARCH 22, 2004**

**SEVENTY-SECOND LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 6:00 p.m., and was called to order by Mr. Speaker Wilder.

**PRAYER**

The proceedings were opened with prayer by Dr. Ronnie J. Wilburn of Shelby Baptist Association in Bartlett, Tennessee, a guest of Senator Norris.

**PLEDGE OF ALLEGIANCE**

Senator Graves led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 29

Senators present were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

**COMMUNICATION**

March 22, 2004

Lt. Gov. John Wilder  
1 LP  
Nashville, TN 37243

Dear Gov. Wilder:

I will be unable to attend the Floor Session on Monday, March 22, 2004 due to an illness in my immediate family. Please excuse my absence and have this letter spread upon the Senate Journal.

Respectfully,

/s/ Curtis S. Person, Jr.

APPROVED: Lieutenant Governor  
John S. Wilder

**STANDING COMMITTEE REPORT**

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 3212.

HENRY, Chairperson  
March 22, 2004

The Speaker announced that he had referred Senate Bill No. 3212 to Committee on Calendar.

**INTRODUCTION OF BILLS**

The Speaker announced that the following bills were filed for introduction and passed first consideration:

**Senate Bill No. 3484** by Senator Southerland.

Greene County -- Subject to local approval, increases hotel occupancy tax from 3 percent to 7 percent and reallocates proceeds. Amends Chapter 127 of the Private Acts of 1986; as amended.

**Senate Bill No. 3485** by Senator Clabough.

Maryville -- Subject to local approval, revises charter to permit adoption of annual or biennial budget. Amends Chapter 27 of the Private Acts of 1967.

**Senate Bill No. 3486** by Senator Crutchfield.

Richard City -- Subject to local approval, authorizes board of trustees of Richard City and Deptford Independent School District, a special school district, by resolution to sell to the United States of America a \$2,000,000 bond for funding for district. Amends Chapter 93 of the Private Acts of 1920.

**HOUSE BILLS ON FIRST CONSIDERATION**

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 2364** -- Contractors -- Sets at \$2,000,000 the monetary license limit at which a contractor must have a financial statement prepared by a licensed accountant in order to get contractor's license renewed. Amends TCA Title 62, Chapter 6.

**House Bill No. 2437** -- University of Tennessee -- Renames the University of Tennessee agricultural extension service to be the "University of Tennessee extension". Amends TCA Sections 8-23-206, 8-36-118, 43-1-112, 43-1-602, 43-14-101, 43-14-218, 43-14-304, 43-14-305, 43-14-308, 49-50-104, 49-50-107, 49-50-108, 64-10-103, 69-3-132.

**House Bill No. 2901** -- Alcoholic Beverages -- Expands Class B counties for regulating beer currently applying only to counties having metropolitan government to also include counties having charter form of government. Amends TCA Title 57, Chapter 5, Part 1.

**House Bill No. 2953** -- Taxes, Exemption -- Exempts educational savings plans from state and local taxation. Amends TCA Section 49-7-822.

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**House Bill No. 3004** -- Dentists -- Removes general restriction on the practice of dental hygienists which prohibited dentist from assigning to hygienists procedures that required professional judgment or skill and permits hygienists to administer local anesthesia. Amends TCA Title 63, Chapter 5.

**House Bill No. 3010** -- Hospitals and Health Care Facilities -- Reduces the required filings with the Department of Health for licensed residential health care facilities with six or fewer beds to one set of schematics instead of two sets of plans and specifications. Amends TCA Section 68-11-202.

**House Bill No. 3242** -- Education, Higher -- Revises provisions on campus police. Amends TCA Section 49-7-118.

**House Bill No. 3263** -- Education, Higher -- Clarifies definition of "institution" for purposes of Tennessee State School Bond Authority Act as including all degree and non-degree granting institutions under the board of regents. Amends TCA Title 49, Chapter 3, Part 12.

**House Bill No. 3285** -- Auditing -- Alters the method for determining whether a wastewater facility, utility district, or emergency communications district is operating at a deficit or is financially distressed. Amends TCA Sections 7-82-401, 7-82-703, and 7-86-304 and 68-221-1010.

**House Bill No. 3286** -- Taxes -- Authorizes comptroller to create a voluntary pilot program for assessing leased personal property to the lessor instead of the lessee.

**House Bill No. 3565** -- Tiptonville -- Subject to local approval, decreases the number of readings required for passage of ordinances by the board of mayor and aldermen from three to two. Amends Chapter 393 of the Acts of 1907.

### **SENATE BILLS ON SECOND CONSIDERATION**

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

**Senate Bill No. 3481** held on desk.

**Senate Bill No. 3482** held on desk.

**Senate Bill No. 3483** held on desk.

### **INTRODUCTION OF RESOLUTIONS**

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 863** by Senator Bryson.  
Memorials, Public Service -- ProHealth Rural Health Services, Inc., Three for Three! and the ProHealth Music Festival & All-Star Sports Clinic.

**Senate Joint Resolution No. 864** by Senator Cooper.  
Memorials, Academic Achievement -- Alan Glen Knox, Salutatorian, Coffee County Central High School.

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**Senate Joint Resolution No. 865** by Senator Bryson.

Memorials, Recognition -- Leon Brown Pullen.

**Senate Joint Resolution No. 866** by Mr. Speaker Wilder.

Memorials, Heroism -- HHSB, 2-1158 Field Artillery, Forward Deployment, Henderson.

**Senate Joint Resolution No. 867** by Mr. Speaker Wilder.

Memorials, Heroism -- HHSB, 2-115 Field Artillery, Henderson.

**Senate Joint Resolution No. 868** by Mr. Speaker Wilder.

Memorials, Congratulations -- Bolivar Central High School, Class AA Basketball State Championship.

**Senate Joint Resolution No. 869** by Senator Burks.

Naming and Designating -- Victims' Rights Week, April 18-24, 2004.

**Senate Joint Resolution No. 870** by Senator Crutchfield.

Memorials, Heroism -- 731st Ordinance Detachment, Tennessee National Guard of Chattanooga.

**Senate Joint Resolution No. 871** by Senator Crutchfield.

Memorials, Heroism -- 1-181 Field Artillery Battalion, Tennessee National Guard of Chattanooga.

**Senate Resolution No. 139** by Senator Kilby.

Memorials, Academic Achievement -- Megan Elaine Lunsford, Salutatorian, Oliver Springs High School.

**Senate Resolution No. 140** by Senator Kilby.

Memorials, Academic Achievement -- Brianne Nichole Lankford, Valedictorian, Oliver Springs High School.

**RESOLUTIONS LYING OVER**

**House Joint Resolution No. 979** -- Memorials, Academic Achievement -- Alana Benet

Hibbler, Salutatorian, Station Camp High School.

The Speaker announced that he had referred House Joint Resolution No. 979 to Committee on Calendar.

**House Joint Resolution No. 980** -- Memorials, Academic Achievement -- Kirsten O'Neal,

Valedictorian, Station Camp High School.

The Speaker announced that he had referred House Joint Resolution No. 980 to Committee on Calendar.

**House Joint Resolution No. 981** -- Memorials, Sports -- College Heights Christian Academy

boys' basketball team.

The Speaker announced that he had referred House Joint Resolution No. 981 to Committee on Calendar.

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**Senate Resolution No. 138** -- Memorials, Personal Occasion -- Bill and Yvonne Stinnett, 50th anniversary.

The Speaker announced that he had referred Senate Resolution No. 138 to Committee on Calendar.

**Senate Joint Resolution No. 831** -- Memorials, Academic Achievement -- Eric Green, Valedictorian, Huntland High School.

The Speaker announced that he had referred Senate Joint Resolution No. 831 to Committee on Calendar.

**Senate Joint Resolution No. 832** -- Memorials, Academic Achievement -- Carie Ann Clark, Co-Valedictorian, Huntland High School.

The Speaker announced that he had referred Senate Joint Resolution No. 832 to Committee on Calendar.

**Senate Joint Resolution No. 833** -- Memorials, Academic Achievement -- Jamie Smith, Salutatorian, Huntland High School.

The Speaker announced that he had referred Senate Joint Resolution No. 833 to Committee on Calendar.

**Senate Joint Resolution No. 834** -- Memorials, Academic Achievement -- Hilary Bauer, Co-Valedictorian, Huntland High School.

The Speaker announced that he had referred Senate Joint Resolution No. 834 to Committee on Calendar.

**Senate Joint Resolution No. 835** -- Memorials, Academic Achievement -- Mary Reynolds, Salutatorian, F.C. Boyd, Sr. Christian High School.

The Speaker announced that he had referred Senate Joint Resolution No. 835 to Committee on Calendar.

**Senate Joint Resolution No. 836** -- Memorials, Academic Achievement -- Heather Davis, Salutatorian, F.C. Boyd, Sr. Christian High School.

The Speaker announced that he had referred Senate Joint Resolution No. 836 to Committee on Calendar.

**Senate Joint Resolution No. 837** -- Memorials, Academic Achievement -- Christopher Mark Fanning, Valedictorian, Huntland High School.

The Speaker announced that he had referred Senate Joint Resolution No. 837 to Committee on Calendar.

**Senate Joint Resolution No. 838** -- Memorials, Academic Achievement -- Chase Hard, Valedictorian, F. C. Boyd, Sr. Christian High School.

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The Speaker announced that he had referred Senate Joint Resolution No. 838 to Committee on Calendar.

**Senate Joint Resolution No. 839** -- Memorials, Academic Achievement -- Andrea Bouldin, Valedictorian, Van Buren County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 839 to Committee on Calendar.

**Senate Joint Resolution No. 840** -- Memorials, Academic Achievement -- Ashley Trobaugh, Valedictorian, Clay County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 840 to Committee on Calendar.

**Senate Joint Resolution No. 841** -- Memorials, Academic Achievement -- Kerry Andrew Hall, Salutatorian, Hermitage Springs School.

The Speaker announced that he had referred Senate Joint Resolution No. 841 to Committee on Calendar.

**Senate Joint Resolution No. 842** -- Memorials, Academic Achievement -- Lee Ann Daniels, Valedictorian, Hermitage Springs School.

The Speaker announced that he had referred Senate Joint Resolution No. 842 to Committee on Calendar.

**Senate Joint Resolution No. 843** -- Memorials, Academic Achievement -- Brittany Ford, Salutatorian, Clay County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 843 to Committee on Calendar.

**Senate Joint Resolution No. 844** -- Memorials, Academic Achievement -- Brittni Smith, Valedictorian, Red Boiling Springs High School.

The Speaker announced that he had referred Senate Joint Resolution No. 844 to Committee on Calendar.

**Senate Joint Resolution No. 845** -- Memorials, Academic Achievement -- Leveda Birdwell, Salutatorian, Red Boiling Springs High School.

The Speaker announced that he had referred Senate Joint Resolution No. 845 to Committee on Calendar.

**Senate Joint Resolution No. 846** -- Memorials, Academic Achievement -- Krystal Morgan, Salutatorian, Red Boiling Springs High School.

The Speaker announced that he had referred Senate Joint Resolution No. 846 to Committee on Calendar.

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**Senate Joint Resolution No. 847** -- Memorials, Academic Achievement -- Jonathan Smith, Valedictorian, Red Boiling Springs High School.

The Speaker announced that he had referred Senate Joint Resolution No. 847 to Committee on Calendar.

**Senate Joint Resolution No. 848** -- Memorials, Academic Achievement -- Jacky King, Jr., Valedictorian, Smith County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 848 to Committee on Calendar.

**Senate Joint Resolution No. 849** -- Memorials, Academic Achievement -- Matthew Winkler, Salutatorian, Smith County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 849 to Committee on Calendar.

**Senate Joint Resolution No. 850** -- Memorials, Academic Achievement -- Andrew D. Gibbs, Salutatorian, Gordonsville High School.

The Speaker announced that he had referred Senate Joint Resolution No. 850 to Committee on Calendar.

**Senate Joint Resolution No. 851** -- Memorials, Academic Achievement -- Zachary Tyler Medley, Valedictorian, Gordonsville High School.

The Speaker announced that he had referred Senate Joint Resolution No. 851 to Committee on Calendar.

**Senate Joint Resolution No. 852** -- Memorials, Academic Achievement -- Amanda Hughett, Valedictorian, Mt. Juliet High School.

The Speaker announced that he had referred Senate Joint Resolution No. 852 to Committee on Calendar.

**Senate Joint Resolution No. 853** -- Memorials, Academic Achievement -- Kimberly Geary, Salutatorian, Mt. Juliet High School.

The Speaker announced that he had referred Senate Joint Resolution No. 853 to Committee on Calendar.

**Senate Joint Resolution No. 854** -- Memorials, Recognition -- John Green and Company Realtors, 25th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 854 to Committee on Calendar.

**Senate Joint Resolution No. 855** -- Memorials, Academic Achievement -- Heather Elizabeth van Stolk, 77th Annual Memphis-Shelby County Spelling Bee Champion.

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The Speaker announced that he had referred Senate Joint Resolution No. 855 to Committee on Calendar.

**Senate Joint Resolution No. 856** -- Memorials, Recognition -- East Tennessee Veterans Memorial Association.

The Speaker announced that he had referred Senate Joint Resolution No. 856 to Committee on Calendar.

**Senate Joint Resolution No. 857** -- Memorials, Public Service -- Emeline "Emmy" Haney, 2004 Jim Pryor Child Advocacy Award.

The Speaker announced that he had referred Senate Joint Resolution No. 857 to Committee on Calendar.

**Senate Joint Resolution No. 859** -- Memorials, Retirement -- Marie Williams.

The Speaker announced that he had referred Senate Joint Resolution No. 859 to Committee on Calendar.

**Senate Joint Resolution No. 860** -- General Assembly, Statement of Intent or Position -- Urges public health officials, insurers, and health care providers to adopt recommendations of American Academy of Pediatrics for the prevention of respiratory syncytial virus (RSV) in children.

The Speaker announced that he had referred Senate Joint Resolution No. 860 to Committee on General Welfare, Health and Human Resources.

**Senate Joint Resolution No. 861** -- Memorials, Academic Achievement -- Mica Hutchings, Salutatorian, Van Buren County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 861 to Committee on Calendar.

**Senate Joint Resolution No. 862** -- Memorials, Academic Achievement -- Dustin Wayne Shelton, Valedictorian, Coffee County Central High School.

The Speaker announced that he had referred Senate Joint Resolution No. 862 to Committee on Calendar.

### **RECALL OF BILL**

On motion of Senator Henry, **Senate Resolution No. 131** was recalled from the Committee on Finance, Ways and Means.

### **WITHDRAWAL OF BILL**

On motion of Senator Henry, Senate Resolution No. 131 was withdrawn from the Senate.



**MOTION**

Senator Bryson moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 865**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**Senate Joint Resolution No. 865** -- Memorials, Recognition -- Leon Brown Pullen.

On motion of Senator Bryson, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 865** was adopted.

A motion to reconsider was tabled.

**RECALL OF BILL**

On motion of Senator Dixon, **Senate Bill No. 2157** was recalled from the Committee on Education.

**WITHDRAWAL OF BILL**

On motion of Senator Dixon, Senate Bill No. 2157 was withdrawn from the Senate.

**RECALL OF BILL**

On motion of Senator Dixon, **Senate Bill No. 2493** was recalled from the Committee on Judiciary.

**WITHDRAWAL OF BILL**

On motion of Senator Dixon, Senate Bill No. 2493 was withdrawn from the Senate.

**RECALL OF BILL**

On motion of Senator Dixon, **Senate Bill No. 2500** was recalled from the Committee on Environment, Conservation and Tourism.

**WITHDRAWAL OF BILL**

On motion of Senator Dixon, Senate Bill No. 2500 was withdrawn from the Senate.

**CONSENT CALENDAR NO. 1**

**House Joint Resolution No. 979** -- Memorials, Academic Achievement -- Alana Benet Hibbler, Salutatorian, Station Camp High School.

**House Joint Resolution No. 980** -- Memorials, Academic Achievement -- Kirsten O'Neal, Valedictorian, Station Camp High School.

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**Senate Joint Resolution No. 835** -- Memorials, Academic Achievement -- Mary Reynolds, Salutatorian, F.C. Boyd, Sr. Christian High School.

**Senate Joint Resolution No. 836** -- Memorials, Academic Achievement -- Heather Davis, Salutatorian, F.C. Boyd, Sr. Christian High School.

**Senate Joint Resolution No. 837** -- Memorials, Academic Achievement -- Christopher Mark Fanning, Valedictorian, Huntland High School.

**Senate Joint Resolution No. 838** -- Memorials, Academic Achievement -- Chase Hard, Valedictorian, F. C. Boyd, Sr. Christian High School.

**Senate Joint Resolution No. 839** -- Memorials, Academic Achievement -- Andrea Bouldin, Valedictorian, Van Buren County High School.

**Senate Joint Resolution No. 840** -- Memorials, Academic Achievement -- Ashley Trobaugh, Valedictorian, Clay County High School.

**Senate Joint Resolution No. 841** -- Memorials, Academic Achievement -- Kerry Andrew Hall, Salutatorian, Hermitage Springs School.

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**Senate Joint Resolution No. 843** -- Memorials, Academic Achievement -- Brittany Ford, Salutatorian, Clay County High School.

**Senate Joint Resolution No. 844** -- Memorials, Academic Achievement -- Brittni Smith, Valedictorian, Red Boiling Springs High School.

**Senate Joint Resolution No. 845** -- Memorials, Academic Achievement -- Leveda Birdwell, Salutatorian, Red Boiling Springs High School.

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**Senate Joint Resolution No. 846** -- Memorials, Academic Achievement -- Krystal Morgan, Salutatorian, Red Boiling Springs High School.

**Senate Joint Resolution No. 847** -- Memorials, Academic Achievement -- Jonathan Smith, Valedictorian, Red Boiling Springs High School.

**Senate Joint Resolution No. 848** -- Memorials, Academic Achievement -- Jacky King, Jr., Valedictorian, Smith County High School.

**Senate Joint Resolution No. 849** -- Memorials, Academic Achievement -- Matthew Winkler, Salutatorian, Smith County High School.

**Senate Joint Resolution No. 850** -- Memorials, Academic Achievement -- Andrew D. Gibbs, Salutatorian, Gordonsville High School.

**Senate Joint Resolution No. 851** -- Memorials, Academic Achievement -- Zachary Tyler Medley, Valedictorian, Gordonsville High School.

**Senate Joint Resolution No. 852** -- Memorials, Academic Achievement -- Amanda Hughett, Valedictorian, Mt. Juliet High School.

**Senate Joint Resolution No. 853** -- Memorials, Academic Achievement -- Kimberly Geary, Salutatorian, Mt. Juliet High School.

**Senate Joint Resolution No. 854** -- Memorials, Recognition -- John Green and Company Realtors, 25th anniversary.

**Senate Joint Resolution No. 855** -- Memorials, Academic Achievement -- Heather Elizabeth van Stolk, 77th Annual Memphis-Shelby County Spelling Bee Champion.

**Senate Joint Resolution No. 856** -- Memorials, Recognition -- East Tennessee Veterans Memorial Association.

**Senate Joint Resolution No. 857** -- Memorials, Public Service -- Emeline "Emmy" Haney, 2004 Jim Pryor Child Advocacy Award.

**Senate Joint Resolution No. 859** -- Memorials, Retirement -- Marie Williams.

Senator Crowe moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes .....	27
Noes .....	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

**CONSENT CALENDAR NO. 2**

Objections having been raised, the following bills were placed at the heel of the calendar for Wednesday, March 24, 2004, pursuant to Rule 38: **Senate Bill No. 2735.**

**Senate Bill No. 2085** -- Handgun Permits -- Provides that handgun carry permit issued to person in or who enters U.S. Armed Services remains valid as long as person's service continues and person is stationed outside of Tennessee and gives such person eight months from discharge or separation from service or reassignment back into this state to renew permit without being considered new applicant. Amends TCA Section 39-17-1351.

On motion, Senate Bill No. 2085 was made to conform with **House Bill No. 2202.**

On motion, House Bill No. 2202, on same subject, was substituted for Senate Bill No. 2085.

**Senate Bill No. 2241** -- Tennessee Bureau of Investigation -- Permits the TBI to use the \$50.00 fee collected for expunction of criminal records for the support and maintenance of the TBI information systems division as well as for the expunged criminal offender and pretrial diversion database. Amends TCA Section 38-6-118.

On motion, Senate Bill No. 2241 was made to conform with **House Bill No. 2277.**

On motion, House Bill No. 2277, on same subject, was substituted for Senate Bill No. 2241.

**Senate Bill No. 3186** -- Tennessee Regulatory Authority -- Prohibits transmission of unsolicited facsimile advertisements; requires any facsimile transmission to include on top or bottom of page margins the identification of the sender and the telephone number of the sending machine or sending party. Amends TCA Title 65, Chapter 4.

**Senate Bill No. 3358** -- General Assembly, Studies -- Extends reporting deadline of special joint committee created to perform comprehensive analysis of predatory lending from February 28, 2004, to May 1, 2005. Amends Chapter 316 of the Public Acts of 2003 and Chapter 871 of the Public Acts of 2002.

**Senate Bill No. 3396** -- Boards and Commissions -- Increases period of validity for certifications, licenses and registrations granted by board for licensing alarm systems contractors from 12 to 24 months. Amends TCA Title 62, Chapter 32, Section 317.

**House Joint Resolution No. 871** -- Naming and Designating -- "National Teacher Day", May 4, 2004.

**House Joint Resolution No. 872** -- General Assembly, Statement of Intent or Position -- Endorses "Read Across America" program, March 2, 2004.

**Senate Resolution No. 120** -- General Assembly, Review or Ratification of Rules -- Approves amendments to Tennessee rules of civil procedure promulgated by supreme court.

**Senate Resolution No. 121** -- General Assembly, Review or Ratification of Rules -- Approves amendments to Tennessee rules of appellate procedure.

**Senate Resolution No. 122** -- General Assembly, Review or Ratification of Rules -- Approves amendments to Tennessee rules of juvenile procedure promulgated by the supreme court.

**Senate Resolution No. 132** -- Memorials, Recognition -- Tennessee State Youth Conference.

Senator Crowe moved that all Senate Resolutions be adopted; all House Joint Resolutions be concurred in; and all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 29  
Noes ..... 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

**LOCAL BILL**  
**CONSENT CALENDAR**

**Senate Bill No. 3472** -- McKenzie -- Subject to local approval, repeals Indigent Care Trust Fund. Repeals Chapter 371 of the Private Acts of 1982.

On motion, Senate Bill No. 3472 was made to conform with **House Bill No. 3566**.

On motion, House Bill No. 3566, on same subject, was substituted for Senate Bill No. 3472.

**Senate Bill No. 3473** -- Cocke County -- Subject to local approval, repeals act that created office of county attorney.

On motion, Senate Bill No. 3473 was made to conform with **House Bill No. 3568**.

On motion, House Bill No. 3568, on same subject, was substituted for Senate Bill No. 3473.

**Senate Bill No. 3474** -- Greeneville -- Subject to local approval, modifies civil service system. Amends Chapter 179 of the Private Acts of 1953; as amended.

On motion, Senate Bill No. 3474 was made to conform with **House Bill No. 3567**.

On motion, House Bill No. 3567, on same subject, was substituted for Senate Bill No. 3474.

Senator Crowe moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 27  
Noes ..... 0

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Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

**MOTION**

Senator Crowe moved that **Senate Bill No. 2455** be rereferred to the Committee on Calendar, which motion prevailed.

**CALENDAR**

Senator Kyle moved that **Senate Bill No. 3212**, as amended, be moved seven places down on the calendar for today, which motion prevailed.

**Senate Bill No. 3458** -- Transportation, Dept. of -- Revises provisions governing when department may settle with a contractor and close a project.

Senator Williams moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 54-5-121, is amended by deleting such section in its entirety.

SECTION 2. Tennessee Code Annotated, Section 54-5-122, is amended by deleting such section in its entirety and by substituting instead the following:

Section 54-5-122. (a) The department may close a project after the following has occurred:

(1) The department shall provide thirty (30) days notice in some newspaper published in the county where the work is done, if there is a newspaper published there, and if not, in a newspaper in an adjoining county, that final settlement is about to be made and notifying all claimants to file notice of their claims with the department and the contractor's surety. The period for filing a notice of claim shall not be less than thirty (30) days after the last published notice. No notice of claim shall be valid unless it is verified by oath and filed after the publication of the first notice; and

(2) The contractor shall furnish evidence to satisfy the department that all the material used by the contractor, its subcontractors or its agents has been fully paid for and all laborers and other employees working for the contractor, its subcontractors or its agents have been fully paid.

SECTION 3. Tennessee Code Annotated, Section 54-5-123, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) From the three and one-half percent (3 1/2%) retained on any contract executed prior to August, 2005, that is being closed and to the extent such funds are due the contractor, the department shall withhold from the contractor a sum sufficient to pay all claims, of which notice is appropriately filed with the department, for a period of sixty (60) days from the date of the last advertising, to allow claimants to sue and prove their claims against the contractor or its agent, in some court of competent jurisdiction. In the event a civil action is brought against the contractor by any claimant within sixty (60) days from the day of the last advertising, the department shall pay the amount of the claim into court from any funds of contractor the department is holding, if any. But in all cases where civil actions are not brought within sixty (60) days, the department shall pay any sums being held by the department, if any, to the contractor. No civil action shall be valid unless it is filed after the filing of a notice of claim with the department in accordance with Section 54-5-122.

SECTION 4. Tennessee Code Annotated, Subsection 54-5-124(a), is amended by adding the following sentence at the end of thereto:

In the event that the department is not holding sums due a contractor described in Section 54-5-123(a) or upon payment of the amount specified in subsection (b), upon request by the commissioner the commissioner shall be dismissed as a party.

SECTION 5. Tennessee Code Annotated, Section 54-5-124, is amended by deleting subsection (b) in its entirety and substituting instead the following:

(b) When a civil action has been properly brought, in the event the department is holding any amount due a contractor described in Section 54-5-123(a), such amount or the amount of the claim, whichever is less, shall be paid into court.

SECTION 6. Tennessee Code Annotated, Section 54-5-138, is amended by deleting subsection (c) in its entirety.

SECTION 7. This act shall take effect August 1, 2005, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3458**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 27  
Noes . . . . . 1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

Senator voting no was: Norris--1.

A motion to reconsider was tabled.

**House Joint Resolution No. 105** -- Naming and Designating -- Names and designates April 2003, and each April thereafter, as Minority Health Awareness Month in Tennessee.

Senator Cohen moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the language "2003" in the first resolving clause and substituting instead the language "2004".

On motion, Amendment No. 1 was adopted.

Thereupon, **House Joint Resolution No. 105**, as amended, was concurred in by the following vote:

Ayes . . . . . 28  
Noes . . . . . 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

**Senate Bill No. 2321** -- Traffic Safety -- Clarifies that provision requiring rear light to illuminate license plate on every motor vehicle or trailer drawn at end of train of vehicles does not apply to a single vehicle but only the last vehicle in a train of vehicles. Amends TCA Title 55, Chapter 9, Part 4.

On motion, Senate Bill No. 2321 was made to conform with **House Bill No. 2846**.

On motion, House Bill No. 2846, on same subject, was substituted for Senate Bill No. 2321.

Thereupon, **House Bill No. 2846** passed its third and final consideration by the following vote:

Ayes . . . . . 28  
Noes . . . . . 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

**Senate Bill No. 2890** -- Election Laws -- Requires county election commission to conduct supplemental voter registration when a planned and scheduled group naturalization ceremony is conducted in the county; requires either attendance of commissioners, assistant registrars or other designees to register such new citizens. Amends TCA Title 2, Chapter 2, Part 1.

**Senate Bill No. 2890** passed its third and final consideration by the following vote:



Ayes ..... 27  
Noes ..... 0

Senators voting aye were: Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

Senator Ketron moved that **Senate Bill No. 3029** be moved three places down on the calendar for today, which motion prevailed.

**Senate Bill No. 2259** -- Insurance Companies, Agents, Brokers, Policies -- Regulates use of consumer credit information by an insurer in calculating premium for certain types of personal insurance; prohibits using zip code or geographic zone smaller than consumer's county of residence as factor; requires information to be filed with Department of Commerce and Insurance regarding use of consumer credit information. Amends TCA Title 56.

Senator Cooper moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 5, is amended by adding Sections 2 through 8 of this act as a new part thereto:

SECTION 2. As used herein, unless the context otherwise requires:

(1) "Adverse action" means a denial or cancellation of, an increase in any charge for, or a reduction or other adverse or unfavorable change in the terms of coverage or amount of, any insurance, existing or applied for, in connection with the underwriting of personal insurance. An offer of placement with an affiliate insurer does not constitute adverse action, a refusal to insure, cancellation or nonrenewal of coverage.

(2) "Affiliate" means any company that controls, is controlled by, or is under common control with another company.

(3) "Consumer" means an insured whose credit information is used or whose insurance score is calculated in the underwriting or rating of a personal insurance policy or an applicant for such a policy.

(4) "Consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

(5) "Credit information" means any credit-related information derived from a credit report, found on a credit report itself, or provided on an application for personal

insurance. Information that is not credit-related shall not be considered "credit information," regardless of whether it is contained in a credit report or in an application, or is used to calculate an insurance score.

(6) "Credit report" means any written, oral, or other communication of information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing or credit capacity which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor to determine personal insurance premiums, eligibility for coverage, or tier placement.

(7) "Insurance score" means a number or rating that is derived from an algorithm, computer application, model, or other process that is based in whole or in part on credit information for the purposes of predicting the future insurance loss exposure of an individual applicant or insured.

(8) "Personal insurance", for the purposes of this part, means private passenger automobile, homeowners, motorcycle, manufactured home owners, non-commercial dwelling fire insurance, boat, personal watercraft, and recreational vehicle policies when those policies are individually underwritten for personal, family or household use.

SECTION 3. An insurer authorized to do business in Tennessee that uses credit information to underwrite or rate risks for personal insurance, shall not:

(1) Take an adverse action against a consumer based on credit information, unless an insurer obtains and uses a credit report issued or an insurance score calculated within ninety (90) days from the date the personal insurance policy is first written or renewal is issued.

(2) Use credit information unless no later than thirty six (36) months following the last time that the insurer obtained current credit information for the insured, the insurer recalculates the insurance score or obtains an updated credit report. The insurer is not required to comply with this subsection if:

(A) The insured is in the most favorably-priced tier of the insurer or within a group of affiliated insurers, for the type of policy covering the insured;

(B) If the insurer has determined not to use credit information in its re-evaluation of the insured upon renewal; or

(C) If the insurer provides a notice to the insured on an annual basis of the insured's right to voluntarily request that their insurance credit score be rerun and reevaluated based on the current information available for the next effective renewal date of the insured's policy. A notice provided under this section shall be in writing in clear and concise language and shall not contain any information other than what is necessary to notify the insured of this right. An insurer need not recalculate the insurance score or obtain the updated credit report of a consumer more frequently than once every twelve (12) months.

Nothing in this subsection shall be deemed to require any insurer to use credit information in rating or underwriting. The commissioner may promulgate rules to effectuate the provisions of this section.

(3) Use the following as a negative factor in any insurance scoring methodology or in reviewing credit information for the purpose of underwriting or rating a policy of personal insurance.

(A) Credit inquiries not initiated by the consumer or inquiries requested by the consumer for each person's own credit information.

(B) Inquiries relating to insurance coverage, if so identified on a consumer's credit report.

(C) Multiple lender inquiries, if coded by the consumer reporting agency on the consumer's credit report as being from the home mortgage industry and made within thirty (30) days of one another, unless only one (1) inquiry is considered.

(D) Multiple lender inquiries, if coded by the consumer reporting agency on the consumer's credit report as being from the automobile lending industry and made within thirty (30) days from one another, unless only one (1) inquiry is considered.

(E) Collection accounts with a medical industry code, if so identified on the consumer's credit report.

(4) Deny, cancel or nonrenew a policy of personal insurance solely on the basis of credit information, without consideration of any other applicable underwriting factor independent of credit information.

(5) Base an insured's renewal rates for personal insurance solely upon credit information, without consideration of any other applicable factor independent of credit information.

(6) Take an adverse action against a consumer solely because he or she does not have a credit account, without consideration of any other applicable factor independent of credit information.

(7) Consider an absence of credit information or an inability to calculate an insurance score in underwriting or rating personal insurance, unless the insurer either treats the consumer as if the consumer had neutral credit information as defined by the insurer or unless the insurer treats the consumer in a manner otherwise approved by the Commissioner of Commerce and Insurance.

(8) Use an insurance score that is calculated using income, gender, address, ethnic group, religion, marital status, nationality, education, or occupation of the consumer as a factor. Nothing in this subdivision shall preclude an insurer from underwriting personal insurance on the basis of information in the insurance application that is not credit information.

SECTION 4. If an insurer takes an adverse action based on factors that include credit information, the insurer must provide notice to the consumer that an adverse action has been taken. That notice must contain the reason or reasons for the adverse action, described in sufficiently clear and specific language so that a person can identify the basis for the insurer's decision to take an adverse action. The notice must include a description of up to four (4) factors that were the primary influences of the adverse action. The use of generalized terms such as "poor credit history," "poor credit rating," or "poor insurance score" does not meet the explanation requirements of this section. Standardized credit explanations provided by consumer reporting agencies or other third party vendors are deemed to comply with this section.

SECTION 5. An insurer shall indemnify, defend, and hold an insurance producer harmless from and against all liability, fees and costs arising out of or relating to the actions, errors or omissions of an insurance producer who obtains or uses credit history and/or insurance scores for an insurer, provided the insurance producer follows the instructions of or procedures established by the insurer and complies with any applicable law or act. Nothing in this section shall be construed to provide an applicant or insured with a cause of action that does not exist in the absence of this section.

SECTION 6. Insurers that use insurance scores to underwrite or rate risks must file their scoring models or other scoring processes with the Department of Commerce and Insurance. A filing that includes insurance scoring shall include loss experience justifying the use of credit information. Such filings shall be kept confidential by the Commissioner of Commerce and Insurance and shall not be construed to be a public record pursuant to Title 10, Chapter 7.

SECTION 7. If it is determined through the dispute resolution process set forth in the federal Fair Credit Reporting Act, 15 USC 1681i(a)(5), that the credit information of a current insured was incorrect or incomplete and if the insurer receives notice of such determination from either the consumer reporting agency or from the insured, the insurer shall re-underwrite and re-rate the consumer within thirty (30) days of receiving the notice. After re-underwriting or re-rating the insured, the insurer shall make any adjustments necessary, consistent with its underwriting and rating guidelines. If an insurer determines that the insured has overpaid the premium, the insurer shall refund to the insured the amount of overpayment calculated back to the shorter of either the last twelve (12) months of coverage or the actual policy period.

SECTION 8. (a) If an insurer writing personal insurance uses credit information in underwriting or rating a consumer, the insurer or its agent shall disclose, either on the insurance application or at the time the insurance application is taken, that it may obtain credit information in connection with such application. Such disclosure shall be either written or provided to an applicant in the same medium as the application for insurance. The insurer need not provide the disclosure statement required under this section to any insured on a renewal policy, if such consumer has previously been provided a disclosure statement.

(b) Use of the following example disclosure statement constitutes compliance with this section: "In connection with this application for insurance, we may review your credit report or obtain or use a credit-based insurance score based on the information contained in that credit report. We may use a third party in connection with the development of your insurance score."

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 10. This act shall take effect on January 1, 2005, the public welfare requiring it.

On motion, Amendment No. 1 was adopted by the following vote:

Ayes ..... 28  
Noes ..... 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

Thereupon, **Senate Bill No. 2259**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 28  
Noes ..... 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

**Senate Bill No. 2392** -- Boards and Commissions -- Requires annual rather than biennial licensing by board of employee assistance professionals, revises scope of practice of employee assistance professionals. Amends TCA Title 62, Chapter 42.

Senator Cooper moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting in the first sentence of subsection (b) of Section 2 the language "a worksite based program".

AND FURTHER AMEND by deleting in its entirety Section 4 of the printed bill and by renumbering the subsequent section accordingly.

On motion, Amendment No. 1 was adopted.

Senator Cooper moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting Section 1 of the printed bill in its entirety and by renumbering subsequent sections accordingly.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 2392**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 28

Noes . . . . . 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

**Senate Bill No. 3029** -- Consumer Protection -- Makes it a deceptive trade practice to advertise for a seminar on living trusts or estate taxation unless advertisement also states the minimum amount at which an estate must be valued in order to be subject to estate tax. Amends TCA Title 23, Chapter 3 and Title 47, Chapter 18.

Senator Fowler moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by adding to the amendatory language of Section 1 the following:

An advertisement shall comply with the provisions of this section if it includes the amount excluded from taxation from the deceased estate applicable for both federal and state purposes for the year in which the advertisement appears and includes a statement that certain property, including real property, insurance proceeds, deposit accounts, stocks and retirement funds, may be taxable depending on how legal title is held and/or beneficiary designations are made.

The provisions of this subsection shall not apply to an advertisement by any attorney, law firm, bank, savings institution, trust company, registered securities broker/dealer, or licensed insurance agent which is directed to clients or customers of such person with whom such person has had a client or customer relationship within the prior two (2) years.

Senators McLeary and Trail declared Rule 13 on Amendment No. 1 to **Senate Bill No. 3029**.

Senator Ketron moved that **Senate Bill No. 3029** be placed on the calendar for Wednesday, March 24, 2004, which motion prevailed.

Senator Kyle moved that **Senate Bill No. 3212**, as amended, be moved one place down on the calendar for today, which motion prevailed.

**Senate Bill No. 2422** -- Architects, Engineers and Designers -- Exempts architects born before January 1, 1928, from continuing education requirements. Amends TCA Title 62, Chapter 2, Part 5.

**Senate Bill No. 2422** passed its third and final consideration by the following vote:

Ayes . . . . . 26  
Noes . . . . . 0  
Present, not voting . . . 1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Ramsey, Williams and Mr. Speaker Wilder--26.

Senator present and not voting was: Trail--1.

A motion to reconsider was tabled.

**Senate Bill No. 3212** -- Lottery, Charitable -- Enacts the "Tennessee Charitable Gaming Implementation Law", as amended.

Senator Kyle moved that Amendments Nos. 59 and 60 be considered first, which motion prevailed.

Senator Kyle moved to amend as follows:

**AMENDMENT NO. 59**

AMEND by deleting amendatory §3-17-101(2)(E) in Section 2 and by substituting instead the following:

(E) Conducted at a location within a county where the organization maintains a physical presence;

AND FURTHER AMEND by deleting item (E) in Section 7 and by substituting instead the following:

(E) Conducted at a location within a county where the organization maintains a physical presence;

On motion, Amendment No. 59 was adopted.

Senator Herron moved to amend as follows:

**AMENDMENT NO. 60**

AMEND by adding the following language as a new amendatory section in Section 2:

Section 3-17-112. The secretary shall have authority to periodically inquire into the operations of annual events to determine compliance with the provisions of this chapter and shall investigate, or cause to be investigated, all reported violations of the provisions of this chapter. The secretary may assess a civil penalty against any person, or a §501(c)(3) organization, not to exceed fifty thousand dollars (\$50,000) for a violation of this chapter or any rule or regulation adopted pursuant to the provision of this chapter. Any hearing on the imposition of any fine pursuant to the provisions of this section shall be in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. The provisions of this section shall be implemented within existing resources and personnel of the secretary less any funds appropriated for such purpose by the general assembly.

Senator Herron moved to amend as follows:

**AMENDMENT NO. 1 TO AMENDMENT NO. 60**

AMEND by deleting the last sentence of amendatory §3-17-112 of Amendment No. 60 and by substituting instead the following:

The provisions of this section shall apply to annual event applications submitted to the secretary for annual events to be conducted on and after July 1, 2005.

AND FURTHER AMEND Amendment No. 60 by adding the following language:

by deleting amendatory §3-17-103(c)(2) in Section 2 and by substituting instead the following:

(2) The secretary shall establish a reasonable fee for annual event applications not to exceed seven hundred dollars (\$700). Fees collected under the provisions of this chapter shall be used by the secretary to defray the cost of administering this chapter, including, but not limited to, the cost of investigations pursuant to §3-17-112.

Pursuant to Rule 39(3), Amendment No. 1 to Amendment No. 60 was adopted by the following vote:

Ayes ..... 26  
Noes ..... 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--26.

Thereupon, Amendment No. 60, as amended, was adopted.

On motion of Senator Herron, Amendments Nos. 46, 49, 50, 51, 52, 53, 54, 37, 55, 61, 62, 63, 64, 65, 66 and 67 were withdrawn.

Thereupon, **Senate Bill No. 3212**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 22  
Noes ..... 6

Senators voting aye were: Atchley, Bryson, Burchett, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Haynes, Ketron, Kilby, Kyle, McNally, Norris, Ramsey, Trail, Williams and Mr. Speaker Wilder--22.

Senators voting no were: Burks, Henry, Herron, Kurita, McLeary and Southerland--6.

A motion to reconsider was tabled.



**Senate Bill No. 2524** -- Civil Procedure -- Excludes certain actions from commission of felony in misapplication of contract payments; revises prima facie evidence of intent to defraud if loan proceeds or contract payments are misapplied or if amount of lien is exaggerated. Amends TCA Title 66, Chapter 11, Part 1.

Senator Norris moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the amendatory language of Section 1 of the printed bill and by substituting instead the following:

However, there is no violation of this section if funds are disbursed pursuant to written agreement between the parties.

AND FURTHER AMEND by deleting the final sentence of the amendatory language of Section 2 of the printed bill.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2524**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 28  
Noes . . . . . 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

**Senate Bill No. 2586** -- Fiscal Review Committee -- Requires review of state contracts exceeding originally bid and contracted price by 10 percent or more by the fiscal review committee. Amends TCA Title 3, Chapter 7, Part 1.

Senator Fowler moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all of the language after the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 7, Part 1, is amended by adding the following language as a new section:

Section 3-7-113. If the actual cost of any state contract exceeds the originally bid and contracted cost by ten percent (10%) or more, then such contract shall be reviewed by the fiscal review committee subject to the following:

(a) All departments and agencies shall furnish necessary documentation to the fiscal review committee to effectuate such review.

(b) The fiscal review staff shall first review all contracts furnished by the departments and agencies, in conjunction with the chairman of the contract services subcommittee, for analysis and selection of such contracts as deemed necessary for formal review by the fiscal review committee.

(c) Except in extraordinary circumstances, all contract reviews by the staff and committee pursuant to this section shall be conducted while the general assembly is not in session.

(d) This section does not limit the jurisdiction of the committee to review matters contained in other state contracts.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2586**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 28  
Noes . . . . . 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

Senator Ramsey moved that **Senate Bill No. 2661** be placed on the calendar for Monday, March 29, 2004, which motion prevailed.

**Senate Bill No. 2712** -- Registers of Deeds -- Adds certified copies of death certificates and affidavits in furtherance of the identification and title of land to the list of writings which may be registered. Amends TCA Title 66, Chapter 24, Part 1.

Senator Cohen moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 1 and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 66-24-101(a), is amended by deleting the word "and" at the end of subdivision (25); by deleting the period at the end of subdivision (26) and substituting instead a semicolon; and by adding the following language as a new subdivision to be designated as follows:

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(27) Affidavits of scrivener's error and other affidavits in furtherance of identification and title of land.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2712**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 27  
Noes . . . . . 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Ramsey, Southerland, Trail and Williams--27.

A motion to reconsider was tabled.

**Senate Bill No. 2877** -- Fair Trade Laws -- Deletes unfair sales and trade practice requirements concerning frozen desserts. Amends TCA Title 53, Chapter 3.

On motion, Senate Bill No. 2877 was made to conform with **House Bill No. 2162**.

On motion, House Bill No. 2162, on same subject, was substituted for Senate Bill No. 2877.

Thereupon, **House Bill No. 2162** passed its third and final consideration by the following vote:

Ayes . . . . . 28  
Noes . . . . . 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

**Senate Bill No. 2931** -- Contractors -- Requires abatement of action brought against contractor, subcontractor, supplier, or design professional related to construction defect unless claimant provides notice, giving such parties opportunity to respond, make a settlement offer or remedy defect. Amends TCA Title 66.

Senator Cooper moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 66, is amended by adding Sections 2 through 4 of this act as a new, appropriately designated part.

SECTION 2. As used in this act, unless the context otherwise requires:

(1) "Action" means any civil action for damages or indemnity asserting a claim for damage to or loss of commercial property caused by an alleged construction defect, but does not include any civil action or arbitration proceeding asserting a claim for alleged personal injuries arising out of an alleged construction defect.

(2) "Claimant" means an owner, including a subsequent purchaser, tenant, or association, who asserts a claim against a contractor, subcontractor, supplier, or design professional concerning a construction defect.

(3) "Commercial property" means all property which is not residential property. Residential property is property upon which a dwelling or improvement is constructed or to be constructed consisting of one dwelling unit intended as a residence of a person or family.

(4) "Construction defect" means a deficiency in, or a deficiency arising out of, the design, specifications, surveying, planning, supervision, observation of construction, or construction or remodeling of a structure resulting from:

(A) Defective material, products, or components used in the construction or remodeling;

(B) A violation of the applicable codes in effect at the time of construction or remodeling;

(C) A failure of the design of a structure to meet the applicable professional standards of care at the time of governmental approval, construction or remodeling; or

(D) A failure to construct or remodel a structure in accordance with accepted trade standards for good and workmanlike construction at the time of construction or remodeling.

(5) "Contractor" means any person, firm, partnership, corporation, association, or other organization that is legally engaged in the business of designing, developing, constructing, manufacturing, selling, or remodeling structures or appurtenances thereto.

(6) "Design professional" means a person licensed in this state as an architect, interior designer, landscape architect, engineer, or surveyor.

(7) "Notice of claim" means a written notice sent by a claimant to the last known address of a construction professional against whom the claimant asserts a construction defect that describes the claim in reasonable detail sufficient to determine the general nature of the defect, including a general description of the type and location of the construction that the claimant alleges to be defective and any damages claimed to have been caused by the defect.

(8) "Structure" means any building or improvement and its components, systems, fixtures and appurtenances at the time of completion of construction.

(9) "Service" means personal service or delivery by certified mail to the last known address of the addressee.

(10) "Subcontractor" means a contractor who performs work on behalf of another contractor in the construction or remodeling of a structure.

(11) "Supplier" means a person who provides materials, equipment, or other supplies for the construction or remodeling of a structure.

SECTION 3. If a claimant files an action without first complying with the requirements of this act, on motion by a party to the action, the tribunal having jurisdiction shall abate the action, without prejudice, and the action may not proceed until the claimant has complied with such requirements.

SECTION 4. (a) In actions brought against a contractor, subcontractor, supplier, or design professional related to an alleged construction defect, the claimant shall, before filing an action, serve written notice of claim on the contractor, subcontractor, supplier, or design professional, as applicable. The claimant shall endeavor to serve the notice of claim within fifteen (15) days after discovery of an alleged defect, but the failure to serve notice of claim within fifteen (15) days does not bar the filing of an action, subject to Section 3.

(b) Within ten (10) business days after service of the notice of claim, the contractor, subcontractor, supplier, or design professional may inspect the structure to assess each alleged construction defect. The claimant shall provide the contractor, subcontractor, supplier, or design professional and its contractors or agents reasonable access to the structure during normal working hours to inspect the structure, to determine the nature and cause of each alleged construction defect and the nature and extent of any corrections, repairs or replacements necessary to remedy each defect. The inspection may include destructive testing. Prior to performing any destructive testing, the person who desires to perform the testing shall notify the claimant in writing of the type of testing to be performed, the anticipated damage to the structure which will be caused by the testing, and the anticipated corrections or repairs that will be necessary to correct or repair any damage caused by the testing. The person performing the testing is responsible for correcting and repairing any damage to the structure caused by the testing.

(c) Within ten (10) days after service of the notice of claim, the contractor, subcontractor, supplier, and design professional must forward a copy of the notice of claim to each subcontractor, supplier, or design professional who it reasonably believes is responsible for each defect specified in the notice of claim and shall note the specific defect for which it believes the particular subcontractor, supplier, or design professional is responsible. Each such subcontractor, supplier, and design professional may inspect the structure as provided in subsection (b) within ten (10) business days after receiving a copy of the notice.

(d) Within ten (10) business days after receiving a copy of the notice of claim, the subcontractor, supplier, or design professional must serve a written response to the contractor, subcontractor, supplier, or design professional who served a copy of the notice of claim. The written response shall include a report of the scope of any inspection of the structure, the findings and results of the inspection, a statement of

whether the subcontractor, supplier, or design professional is willing to make corrections or repairs to the structure or whether it disputes the claim, a description of any corrections or repairs it is willing to make to remedy the alleged construction defect, and a timetable for the completion of such corrections or repairs.

(e) Within thirty (30) days after receiving the notice of claim, each contractor, subcontractor, supplier, or design professional must serve a written response to the claimant. The written response must provide:

(1) A written offer to remedy the alleged construction defect at no cost to the claimant, including a report of the scope of the inspection, the findings and results of the inspection, a detailed description of the corrections or repairs necessary to remedy the defect, and a timetable for the completion of such repairs;

(2) A written offer to compromise and settle the claim by monetary payment to be paid within thirty (30) days after the claimant's acceptance of the offer; or

(3) A written statement that the contractor, subcontractor, supplier, or design professional disputes the claim and will not remedy the defect or compromise and settle the claim.

(f) If the contractor, subcontractor, supplier, or design professional offers to remedy the alleged construction defect or compromise and settle the claim by monetary payment, the written response must contain a statement that the claimant shall be deemed to have accepted the offer if, within fifteen (15) days after service to the written response, the claimant does not serve a written rejection of the offer on the contractor, subcontractor, supplier, or design professional.

(g) If the contractor, subcontractor, supplier, or design professional does not respond to the claimant's notice of claim within the time provided in subsection (e), the claimant may, without further notice, proceed with an action against the contractor, subcontractor, supplier or design professional for the claim described in the notice of claim.

(h) A claimant who rejects a settlement offer made by the contractor, subcontractor, supplier, or design professional must serve written notice of such rejection on the contractor, subcontractor, supplier, or design professional within fifteen (15) days after service of the settlement offer. The claimant's rejection must contain the settlement offer with the word "rejected" printed on it.

(i) If the claimant accepts the offer of a contractor, subcontractor, supplier, or design professional and the contractor, subcontractor, supplier, or design professional does not make the payment, correction or repair the defect within the agreed time and in the agreed manner, the claimant may, without further notice, proceed with an action against the contractor, subcontractor, supplier or design professional. If a claimant accepts a contractor, subcontractor, supplier, or design professional's offer and the contractor, subcontractor, supplier, or design professional makes payment, correction or repairs the defect within the agreed time and in the agreed manner, the claimant is barred from proceeding with an action against the

contractor, subcontractor, supplier, or design professional for the claim described in the notice of claim.

(j) If the claimant accepts the offer of a contractor, subcontractor, supplier, or design professional to correct or repair an alleged construction defect, the claimant shall provide the contractor, subcontractor, supplier, or design professional and its contractors or other agents reasonable access to the claimant's structure during normal working hours to perform the correction or repair by the agreed-upon timetable as stated in the offer.

(k) The failure of a claimant or a contractor, subcontractor, supplier, or design professional to follow the procedures in this section is admissible in an action. However, this section does not prohibit or limit the claimant from making any necessary emergency corrections or repairs to the structure. In addition, the offer of a contractor, subcontractor, supplier, or design professional to remedy an alleged construction defect or to compromise and settle the claim by monetary payment does not constitute an admission of liability with respect to the defect.

(l) A claimant's written notice of claim under subsection (a) tolls the applicable statute of limitations until the later of:

(1) One hundred eighty (180) days after the contractor, subcontractor, supplier, or design professional receives the notice; or

(2) Ninety (90) days after the end of the correction or repair period stated in the offer, if the claimant has accepted the offer. By stipulation of the parties, the period may be extended and the statute of limitations is tolled during the extension.

(m) The procedures in this section apply to each alleged construction defect. However, a claimant may include multiple defects in one notice of claim.

(n) Sections 2 through 4 of this act do not:

(1) Bar or limit any rights, including the right of specific performance to the extent such right would be available in the absence of this act, any causes of action, or any theories on which liability may be based, except as specifically provided in this act;

(2) Bar or limit any defense, or create any new defense, except as specifically provided in this act;

(3) Create any new rights, causes of action, or theories on which liability may be based; or

(4) Extend any existing statute of limitations except as specifically provided herein in subsection (l).

**SECTION 5.** If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of

this act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared severable.

SECTION 6. This act shall take effect upon becoming a law and shall apply to all actions accruing on or after the effective date.

On motion, Amendment No. 1 was adopted.

Senator Ramsey moved that **Senate Bill No. 2931**, as amended, be moved five places down on the calendar for today, which motion prevailed.

Senator Ramsey moved that **Senate Bill No. 2935** be moved five places down on the calendar for today, which motion prevailed.

**Senate Bill No. 3187** -- Insurance, Health, Accident -- Exempts from all mandated health benefits requirements insurance plans which provide only major medical insurance coverage for a catastrophic illness requiring in-patient hospital care except to extent that a specified mandated coverage is essential to provide basic health care for such illness. Amends TCA Title 56.

**Senate Bill No. 3187** passed its third and final consideration by the following vote:

Ayes . . . . .	28
Noes . . . . .	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

Senator Dixon moved that **Senate Bill No. 3259** be placed on the calendar for Monday, March 29, 2004, which motion prevailed.

**Senate Joint Resolution No. 797** -- Memorials, Recognition -- Supports and encourages participation in Threshold: Sustaining a Land Called Tennessee conference at UT-Chattanooga.

Senator Crutchfield moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by deleting from the caption of the introduced resolution the language "at the University of Tennessee at Chattanooga" and by substituting instead the language "in Chattanooga".

AND FURTHER AMEND by deleting from the first resolving clause the language "at the University of Tennessee at Chattanooga" and by substituting instead the language "in Chattanooga, Tennessee".

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Joint Resolution No. 797**, as amended, was adopted by the following vote:



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Ayes ..... 28  
Noes ..... 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

Senator Trail moved that **Senate Bill No. 1671** be placed on the calendar for Monday, April 5, 2004, which motion prevailed.

**FURTHER ACTION ON SENATE BILL NO. 2931, AS AMENDED**

Thereupon, **Senate Bill No. 2931**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 25  
Noes ..... 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--25.

A motion to reconsider was tabled.

Senator Ramsey moved that **Senate Bill No. 2935** be rereferred to the Committee on Judiciary, which motion prevailed by the following vote:

Ayes ..... 26  
Noes ..... 1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--26.

Senator voting no was: Cohen--1.

**Senate Bill No. 2748** -- Tennessee Emergency Management Agency (TEMA) -- Authorizes the director of TEMA and chief local elected officials to declare a state of emergency for the purpose of triggering the emergency relief effort portion of the hours-of-service regulations promulgated by the federal motor carrier safety administration. Amends TCA Title 58, Chapter 2, Part 1.

On motion, Senate Bill No. 2748 was made to conform with **House Bill No. 2720**.

On motion, House Bill No. 2720, on same subject, was substituted for Senate Bill No. 2748.

On motion of Senator Cohen, Amendment No. 1 was withdrawn, which motion prevailed.

Thereupon, **House Bill No. 2720** passed its third and final consideration by the following vote:

Ayes ..... 27  
Noes ..... 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

**Senate Bill No. 3139** -- Tennessee Emergency Management Agency (TEMA) -- Enacts the "Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004". Amends TCA Title 7 and Title 58.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by adding the following at the end of Section 1:

58-8-115. (a) Notwithstanding the provisions of Section 58-8-111(b), a governmental utility system that is a responding party is eligible for reimbursement and entitled to one hundred percent (100%) reimbursement of eligible costs after the state of emergency is declared.

(b) For purposes of a governmental utility system that is a responding party, the words "then-prevailing wages, including benefits and overtime" in Section 58-8-111(c) mean the present wage structure, including benefits and overtime, of the governmental utility system that is a responding party.

(c) For purposes of this section, "governmental utility system" means a governmental entity that provides electric, gas, sewer, water, wastewater, telephone, cable or other like service, or any combination of these services, and is limited to these operations of the governmental entity and does not extend to other operations of function of the governmental entity.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3139**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 26  
Noes ..... 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Ramsey, Southerland, Williams and Mr. Speaker Wilder--26.

A motion to reconsider was tabled.

**Senate Bill No. 2485** -- Election Laws -- Allows county election commission to combine election notices published at same time into one publication; requires notice that polling place

inaccessible to elderly or disabled voters published no later than 45 days before any election; makes other revisions to various election laws. Amends TCA Section 2-1-110; Section 2-19-107; Section 2-19-120; Section 2-3-109; Section 2-5-101; Section 2-5-211; Section 2-5-216; Section 2-6-202; Section 2-6-601; Section 2-7-118 and Section 7-86-127.

Senator Ramsey moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 7 of the printed bill.

**MOTION**

Senator Cohen moved the Senate adjourn, subject to announcements, until 2:30 p.m., Wednesday, March 24, 2004, which motion prevailed by the following vote:

Ayes ..... 17  
Noes ..... 7

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Fowler, Ketron, Kilby, Kurita, McNally, Norris, Ramsey and Southerland--17.

Senators voting no were: Graves, Haynes, Henry, Herron, McLeary, Trail and Williams--7.

**MOTION**

Senator Henry moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 2670** on the calendar for the Committee on Finance, Ways and Means for Tuesday, March 23, 2004, if it passes out of the Tax Subcommittee, which motion prevailed.

**MOTION**

On motion of Senator Trail, his name was added as sponsor of **House Joint Resolution No. 944**.

On motion of Senator Jackson, his name was added as sponsor of **Senate Bills Nos. 3412 and 3460**.

On motion of Senator Fowler, his name was added as sponsor of **Senate Bill No. 601**.

On motion of Senator McNally, his name was added as sponsor of **House Joint Resolutions Nos. 871 and 872**.

On motion, all Senators' names were added as sponsors of **Senate Joint Resolution No. 865**.

On motion of Senators Dixon, Cooper, Ford and Cohen, their names were added as sponsors of **House Joint Resolution No. 105**.

On motion of Senators Graves, Kilby, Burchett, Crutchfield, Trail and Cooper, their names were added as sponsors of **Senate Bill No. 2259**.

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On motion of Senators Kilby, Williams and Norris, their names were added as sponsors of **Senate Bill No. 3139**.

On motion of Senator Williams, his name was added as sponsor of **Senate Bills Nos. 1671, 2085 and 2748; House Joint Resolutions Nos. 871 and 872; and Senate Resolution No. 132**.

On motion of Senator Kilby, his name was added as sponsor of **Senate Bills Nos. 2085 and 2661**.

On motion of Senator Kurita, her name was added as sponsor of **Senate Bills Nos. 1671, 2085, 2935 and 3187**.

On motion of Senator Henry, his name was added as sponsor of **Senate Resolution No. 138**.

On motion of Senator Graves, her name was added as sponsor of **House Joint Resolutions Nos. 979, 980 and 981**.

On motion of Senator Kyle, his name was added as sponsor of **Senate Joint Resolutions Nos. 854, 855, 856, 857 and 859**.

On motion of Senator Dixon, his name was added as sponsor of **House Joint Resolutions Nos. 871 and 872; and Senate Bill No. 1716**.

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 2241, 2586, 2735, 3029 and 3186**.

**ENGROSSED BILLS**

March 22, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bill No. 2890, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

March 22, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 865, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

March 23, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2259, 2392, 2422, 2524, 2586, 2712, 2931, 3139, 3186, 3187, 3212, 3358, 3396 and 3458; and Senate Joint Resolutions Nos. 797, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857 and 859; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

March 22, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2274, passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 22, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 849, adopted, for the Senate's action.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 22, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 985, 986, 987, 988, 989, 991, 992, 993, 994, 995 and 996; adopted, for the Senate's action.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 22, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2683, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 22, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2890, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 22, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2403, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 22, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829 and 830; concurred in by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**ENROLLED BILLS**

March 22, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 2149, 2184, 2613, 2614, 2620, 2668, 2969, 3109, 3152 and 3477; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

March 22, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2487, 3130 and 3543; for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**SIGNED**

March 22, 2004

The Speaker announced that he had signed the following: Senate Bills Nos. 2149, 2184, 2613, 2614, 2620, 2668, 2969, 3109, 3152 and 3477; and House Bills Nos. 2487, 3130 and 3543.

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**MESSAGE FROM THE GOVERNOR**

March 22, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 806, 807, 808, 809, 810, 811, 812, 813, 814 and 815; with his approval.

ROBERT E. COOPER, JR.,  
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, March 24, 2004: Senate Joint Resolutions Nos. 861, 862, 863 and 864.

This the 22nd day of March, 2004.  
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, March 24, 2004: Senate Bills Nos. 2260, 2399, 2405, 2564, 3175, 3371 and 3411.

This the 22nd day of March, 2004.  
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
LOCAL BILL  
CONSENT CALENDAR**

Pursuant to Rule 26, the following bill has been set on the Consent Calendar for Wednesday, March 24, 2004: Senate Bill No. 3479.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, March 24, 2004: Senate Bills Nos. 877, 2100, 2162, 2179, 2205, 2212, 2453, 2455, 2706, 2722, 2770, 3103, 3349, 3369, 3376 and 3421.

This the 22nd day of March, 2004.  
CROWE, Chairperson.

**ADJOURNMENT**

Thereupon, pursuant to Senator Cohen's motion, the Senate adjourned until 2:30 p.m., Wednesday, March 24, 2004.